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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, *et al.*,

Plaintiff,

v.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, *et al.*,

Defendants.

Case No. 3:25-cv-5687

**DEFENDANTS' RESPONSE TO PLAINTIFFS'
ADMINISTRATIVE MOTION TO EXPEDITE
PRODUCTION OF THE CERTIFIED
ADMINISTRATIVE RECORDS**

Judge: Hon. Trina L. Thompson

I. INTRODUCTION

Defendants, Kristi Noem, Secretary of the Department of Homeland Security (“DHS”), et al., hereby oppose Plaintiffs National TPS Alliance, et al.’s (“NTPSA”) Administrative Motion to Expedite Production of the Administrative Records. ECF No. 42. While Defendants are committed to producing the administrative records in a timely manner, Plaintiffs’ proposed expedited schedule is not feasible under the circumstances.

II. ARGUMENT

A. Plaintiffs’ proposed expedited schedule is not feasible under the circumstances.

Plaintiffs’ Administrative Motion to Expedite Production of the Administrative Records should be denied because the expedited production deadline is unworkable and unduly prejudicial to Defendants. *Muhammad v. Burton*, 2024 WL 1198935 at *3 (E.D. Cal., Mar. 20, 2024) (noting that the “timeframe requested is overbroad” and finding that “requiring defendant to produce copies of the work requests would be unduly burdensome, due to both the scope of the request and the resources that would have to be expended to locate any existing copies.”).

First, the administrative records for the terminations of the Nepal, Honduras, and Nicaragua designations are extensive and complex. Plaintiffs argue that Defendants were able to compile and produce the administrative records for the Venezuela and Haiti vacatur determinations in a week. Pls.’ Mot. 3. However, those administrative records were for vacatures of designations, determinations that were made to vacate flawed decisions to extend and were therefore limited in volume. Contrarily, administrative records for termination determinations have historically been significantly larger. For example, the administrative records for the terminations of the Afghanistan and Cameroon designations each contained over 160 documents and over 3,000 pages (Cameroon contained 3,045 pages and Afghanistan contained 4,270 pages). Similarly, the administrative records at issue here will likely be voluminous, as they are all broader in scope, do not overlap with prior productions, and require a careful review to ensure completeness and accuracy. What’s more, the process of producing a record for filing with the Court involves not only compiling materials from multiple sources but also conducting extensive privilege reviews and logging any privileged materials. *Blue Mountains Biodiversity Project v. Jeffries*, 99 F.4th 438, 445 (9th Cir. 2024).

Second, Defendants’ resources are currently constrained. The legal team responsible for compiling

the administrative records is simultaneously managing several other court-ordered productions and deadlines. The unreasonable expedited timeline Plaintiffs demand would not only divert limited resources from other obligations but seems formulated purely to force Defendants into a position where they cannot comply. For example, Plaintiffs offer no explanation for why the records for Honduras and Nicaragua must be filed immediately at the same time as Nepal, even though the effective date of the terminations with regards to those two countries will not occur until September. Such gamesmanship of the discovery rules should not be encouraged by the Court.

For these reasons, Defendants request that the Court deny Plaintiffs' motion to expedite and allow Defendants to produce the administrative records for Nepal, Honduras, and Nicaragua within a reasonable timeframe that reflects the volume and complexity of the task. As Defendants previously offered Plaintiffs, Defendants are prepared to produce all three administrative records together in six weeks. *See* ECF No. 43. Alternatively, Defendants are prepared to produce one administrative record every two weeks, in whichever order Plaintiffs prefer. *Id.*

Dated: July 15, 2025

Respectfully submitted,

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